THE MADRAS FOREST ACT, 1882.

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(*Chapter I.—Preliminary.*)

MADRAS ACT No. V OF 1882.[1]

[THE MADRAS FOREST ACT, 1882.][2]

[*17th September 1882*; *11th October 1882.*]

An Act to make provision for the Protection and Management of Forests in the Presidency of Madras.

Preamble.

WHEREAS it is expedient to make provision for the protection and management of forests in the Presidency of Madras, It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short title.

1. This Act may be called the Madras Forest Act, 1882.

Local extent.

It extends to all territories [3][. . . .] subject to the Government of Fort St. George, except the scheduled districts :

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[1] For Statement of Objects and Reasons, *see Fort St. George Gazette* Extraordinary, dated 6th July 1882, p. 17 ; for Report of the Select Committee, *see ibid*, dated 19th August 1882, p. 1 ; for Proceedings in Council, *see ibid*, Supplement, dated 11th July 1882, p. 6, *ibid*, dated 12th September 1882, p. 9.

This Act was extended in 1894 by the Governor-General in Council to the Rampa country and to the Dutcharti and Guditeru muttas in the Golgonda hills, Godavari district ; and by Madras Notification No. 287, published at p. 725 of the *Fort St. George Gazette*, dated 19th June 1894, the said country and muttas were exempted from the operation of the following portions of the Act, Chapters II, III except section 26, IV, VI and VIII.

Also extended with the previous sanction of the Governor-General in Council to—

(*a*) The Pondakhol and the Minnajodi muttas and the Adigudi mutta in the scheduled districts of Ganjam known as the Surada Maliahs and Chinnakimidi Maliahs respectively (G.Os. No. 1294, Judicial, dated 18th June 1885, and No. 932, Judicial, dated 25th June 1901). Also to other scheduled districts of Ganjam (G.O. No. 2005, Judicial, dated 3rd December 1906, Notification No. 544, p. 1206, Pt. I of the *Fort St. George Gazette*, dated 4th December 1906).

(*b*) Kottam, Ram and Konda muttas of the scheduled taluk of Palkonda in the Vizagapatam district (Revenue Notification No. 41, dated 14th January 1890, p. 78, Pt. I of the *Fort St. George Gazette*, dated 28th January 1890).

(*c*) The Agency tracts of the Vizagapatam district other than the muttas in the Palkonda taluk to which the Act was made applicable, referred to in (*b*) above (Revenue Notification No. 268, dated 17th June 1891).

(*d*) The scheduled taluks of Bhadrachalam and Rakapalli in the Godavari district, *Gazette of India*, 1885, Pt. I, p. 660.

The Act is in force in the Nugur taluk of the East Godavari district in virtue of section 2 (1) of Regulation I of 1909.

[2] *See* also the Madras Forest (Amendment) Act, 1919 (Madras Act VII of 1919).

[3] The words " for the time being " were omitted by the Adaptation Order of 1937.

Provided that the [1] [Government] may, by notification in the [2] [Official Gazette], exempt any place from the operation of the whole or any portion of this Act but not so as to affect anything done, or any offence committed, or any fine or penalty incurred, or any proceedings commenced in such place before such exemption, and may in like manner vary or cancel such notification ;

and it shall come into force on such day as the [1] [Government] may by notification in the [2][Official Gazette] direct. Commencement.

2. In this Act, and in all rules made hereunder, unless there is something repugnant in the subject or context,— Interpretation-clause.

" Government " means the [3] [State Government] : "Government."

" Collector " means the chief executive Revenue-officer of a district : "Collector."

" Forest-officer " means any person appointed by name or as holding an office by or under the orders of the Government to be a Conservator, Deputy Conservator, Assistant Conservator, [4][Extra Assistant Conservator], Forest-ranger, Forester, Forest-guard ; "Forest-officer."

or to discharge any function of a Forest-officer under this Act or any rule made hereunder :

" District-Forest-officer " means the chief Forest-officer of a district or of a portion of a district, if in independent charge of such portion : "District-Forest-officer."

" tree " includes stumps, bamboos and brushwood : "Tree."

" timber " includes trees when they have fallen or have been felled, and all wood, whether cut up or fashioned or hollowed out for any purpose or not : "Timber."

" forest-produce " includes the following things when found in, or brought from, a forest (that is to say) :— "Forest-produce."

minerals (including limestone and laterite), surface-soil, trees, timber, plants, grass, peat, canes, creepers, reeds, fibres, leaves, moss, flowers, fruits, seeds, roots, galls, spices, juice, catechu, bark, caoutchouc, gum, wood-oil, resin, varnish, lac, charcoal, honey and wax, skins, tusks, bones and horns :

" forest-offence " means an offence punishable under this Act or any rule made hereunder : "Forest-offence."

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[1] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adatation Order of 1937 and the word " Provincial " was omitted by the Adaptation (Amendment) Order of 1950.

[2] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

[3] The words " Provincial Government " were substituted for the words " Governor of Fort St. George in Council " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[4] These words were substituted for the words " Sub-Assistant Conservator " by section 2 of the Madras Forest (Amendment) Act, 1936 (Madras Act VII of 1936).

"Cattle." "cattle" includes elephants, camels, buffaloes, horses, mares, ponies, colts, fillies, mules, asses, pigs, rams, ewes, sheep, lambs, goats and kids :

"River." "river" includes streams, canals, creeks and other channels, natural or artificial :

"Land at the disposal of Government." "land at the disposal of Government" includes all unoccupied land, whether assessed or unassessed ; but does not include land, the property of land-holders as defined by section 1 of Act VIII of 1865,[1] Madras (namely), all persons holding under a sanad-i-milkiyat-i-istimrar, all other zamindars, shrotriyamdars, jagirdars, inamdars and all persons farming lands from the above persons or farming the land-revenue under Government : also all holders of land under raiyatwar settlements, or in any way subject to the payment of land-revenue direct to Government, and all other registered holders of land in proprietary right :

"Magistrate." "Magistrate" means a Magistrate of the first or second class, and includes a Magistrate of the third class when he is specially empowered by Government to try forest-offences :

"Imprisonment." "imprisonment" means imprisonment of either description as defined in the Indian Penal Code. Central Act XLV of 1860.

CHAPTER II.

RESERVED FORESTS.

Power to reserved forest. **3.** The [2][Government] may constitute any land at the disposal of Government a reserved forest in the manner hereinafter provided.

Notification by the Government. **4.** Whenever it is proposed to constitute any land a reserved forest, the [2][Government] shall publish a notification in the [3][Official Gazette] and in the official Gazette of the district—

(*a*) specifying, as nearly as possible, the situation and limits of such land ;

(*b*) declaring that it is proposed to constitute such land a reserved forest ;

(*c*) appointing an officer (hereinafter called the Forest-settlement-officer) to inquire into and determine the existence, nature and extent of any rights claimed by, or alleged to exist in favour of, any person in or over any land comprised within such limits, or to any forest produce of such land, and to deal with the same as provided in this Chapter.

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[1] *See* now Madras Act I of 1908.

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

[3] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

The officer appointed under clause (*c*) of this section shall ordinarily be a person other than a Forest-officer; but a Forest-officer may be appointed by the [1][Government] to attend on bahalf of Government at the inquiry prescribed by this Chapter.

Suits barred.

5. Except as hereinafter provided, no Civil Court shall, between the dates of the publication of the notification under section 4 and of the notification to be issued under section 16, entertain any suit to establish any right in or over any land, or to the forest-produce of any land, included in the notification published under section 4.

Proclamation by Forest-settlement-officer.

6. When a notification has been issued under section 4, the Forest-settlement-officer shall publish in the official Gazette of the district, and at the headquarters of each taluk in which any portion of the land included in such notification is situate, and in every town and village in the neighbourhood of such land, a proclamation—

(*a*) specifying, as nearly as possible, the situation and limits of the land proposed to be included within the reserved forest;

(*b*) setting forth the substance of the provisions of section 7;

(*c*) explaining the consequences which, as hereinafter provided, will ensue on the reservation of such forest; and

(*d*) fixing a period not less than three months from the date of publishing such proclamation in the official Gazette of the district and requiring every person claiming any right referred to in section 4 either to present to such officer, within such period, a written notice specifying, or to appear before him within such period and state, the nature of such right and in either case to produce all documents in support thereof.

The Forest-settlement-officer shall also serve a notice to the same effect on every known or reputed owner or occupier of any land included in or adjoining the land proposed to be constituted a reserved forest, or on his recognized agent or manager. Such notice may be sent by registered post to persons residing beyond the limits of the district in which such land is situate.

Bar of accrual of forest-rights.

7. During the interval between the publication of such proclamation and the date fixed by the notification under section 16,

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

no right shall be acquired in or over the land included in such proclamation, except under a grant or contract in writing made or entered into by, or on behalf of, the Government, or by, or on behalf of, some person in whom such right, or power to create the same, was vested when the proclamation was published, or by succession from such person ;

Prohibition of clearings, etc.

and no fresh clearings for cultivation or for any other purpose shall be made on such land.

No patta shall, without the previous sanction of the [1][Board of Revenue], be granted on behalf of Government in such land, and every patta granted without such sanction shall be null and void.

Nothing in this section shall be deemed to prohibit any act done with the permission in writing of the Forest-settlement-officer.

Inquiry by Forest-settlement-officer.

8. The Forest-settlement-officer shall take down in writing all statements made under section 6, and shall inquire into all claims made under that section, recording the evidence in the manner prescribed by the Code of Civil Procedure[2] in appealable cases.

The Forest-settlement-officer shall at the same time consider and record any objection which the Forest-officer (if any) appointed under section 4 may make to any such claim.

Powers of Forest-settlement-officer.

9. For the purpose of such inquiry the Forest-settlement-officer may exercise the following powers (that is to say) :—

(*a*) power to enter, by himself or any officer authorized by him for the purpose, upon any land, and to survey, demarcate and make a map of the same ; and

(*b*) the powers conferred on a Civil Court by the Code of Civil Procedure[2] for compelling the attendance of witnesses and the production of documents.

Claims to rights of occupancy and ownership.

10. In the case of a claim to a right in or over any land other than the following rights :—

(*a*) a right of way ;

(*b*) a right to a water-course, or to use of water ;

(*c*) a right of pasture ; or

(*d*) a right to forest-produce ;

the Forest-settlement-officer shall pass an order specifying the particulars of such claim and admitting or rejecting the same wholly or in part.

Admitted claims.

(i) If such claim is admitted wholly or in part, the Forest-settlement-officer may (1) come to an agreement with the claimant for the surrender of the right ; or (2) exclude the

[1] These words were substituted for the words "Governor in Council" by the Madras Decentralization Act, 1914 (Mad. Act VIII of 1914).

[2] *See* now Act V of 1908.

land from the limits of the proposed forests ; or (3) proceed to acquire such land in the manner provided by the Land Acquisition Act, 1870. [1]

Central Act X of 1870.

For the purpose of so acquiring such land—

(i) the Forest-settlement-officer shall be deemed to be a Collector proceeding under the Land Acquisition Act, 1870 [1] ;

Central Act X of 1870.

(ii) the claimant shall be deemed to be a person interested and appearing before him in pursuance of a notice given under section 9 of that Act ;

(iii) the provisions of the preceding sections of that Act shall be deemed to have been complied with ; and

(iv) the Forest-settlement-officer with the consent of the claimant, or the Court (as defined in the said Act) with the consent of the claimant and of the Collector of the district, may award compensation by the grant of rights in or over land, or by the payment of money, or both.

Rejected claims—Appeals.

(ii) If such claim is rejected wholly or in part, the claimant may, within thirty days from the date of the order, prefer an appeal to the District Court in respect of such rejection only : Provided that the [2] [Government] may, on just and reasonable cause for the same being shown, extend the period for such appeal within such further period as may seem proper, and an order or endorsement under the signature of one of the Secretaries to Government shall be sufficient authority for the said Court to entertain such appeal beyond the limit above specified. If the Court decides that the claim or such part thereof as has been rejected should be admitted, the Forest-settlement-officer shall proceed to deal with it in like manner as if it had been in the first instance admitted by himself.

(iii) When a claim has been admitted in the first instance wholly or in part, a like appeal may be preferred on behalf of Government by the Forest-officer appointed under section 4, or other person generally or specially empowered by the Government in this behalf.

Claims to rights of way, watercourse, pasture, and to forest-produce.

11. In the case of a claim to rights of the kind specified in clauses (*a*), (*b*), (*c*) and (*d*) of section 10, the Forest-settlement-officer shall pass an order specifying the particulars of such claim as far as may be necessary to define the nature, incidents and extent of the rights claimed, and admitting or rejecting such claim wholly or in part.

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[1] *See* now the Land Acquisition Act, 1894 (Central Act I of 1894).

[2] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

When a claim to any such right is admitted, if the right is for the beneficial enjoyment of any land or buildings, he shall record the designation, position and area of such land, and the designation and position of such buildings.

Where the right is a right to forest-produce, he shall also record whether the forest-produce obtained by the exercise of such right may be sold or bartered.

Provision for rights of pasture or to forest-produce admitted.

12. When the Forest-settlement-officer has admitted wholly or in part, and recorded under section 11, a claim to a right of pasture or to forest-produce, he shall, as far as possible, provide for the exercise of such right—

(*a*) by altering the limits of the proposed reserved forest so as to exclude land of sufficient extent, of a suitable kind, and in a locality reasonably convenient for the purposes of the claimant ;

(*b*) by recording an order continuing to the claimant a right of pasture or to forest-produce (as the case may be), subject to such rules as may be prescribed by the [1] [Government].

The order passed under clause (*b*) shall record, as far as practicable, the number and description of the cattle which the claimant is from time to time entitled to graze, the local limits within which, and the seasons during which, such pasture is permitted ; or

the quantity of timber or other forest-produce which the claimant is authorized to take or receive, the local limits within which, the season during which, and the mode in which, the taking of such produce is permitted ; and

such other particulars as may be required in order to define the extent of the right which is continued, and the mode in which it may be exercised.

Commutation of such rights.

13. Whenever any right of pasture or to forest-produce admitted under section 11 is not provided for in one of the ways prescribed in section 12, the Forest-settlement-officer shall, subject to such rules as the Government may prescribe in this behalf, commute such right by paying a sum of money in lieu thereof, or, with the consent of the claimant, by the grant of rights in or over land or in such other manner as such officer thinks fit.

Appeal from order passed under sections 11, 12 and 13.

14. The claimant, or the Forest-officer appointed under section 4, or any other person generally or specially empowered by the Government in this behalf, may, within sixty days

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

from the date of any order passed by the Forest-settlement-officer under sections 11, 12 and 13, present an appeal from such order—

to a Forest Court constituted as hereinafter provided, or, where no such Court is constituted, to such officer of the Revenue Department of not less than twelve years' standing as the [1][Government] may, from time to time, by notification in the [2][Official Gazette], appoint, by name or as holding an office, to hear appeals from such orders.

In disposing of such appeals the Revenue-officer appointed as aforesaid shall be guided by the provisions of sections 39 and 40 of this Act.

Appeal under section 14.

15. Every appeal under section 14 shall be made by petition in writing, and may be delivered to the Forest-settlement-officer, who shall forward it without delay to the appellate authority.

Notification declaring forest reserved.

16. When the following events have occurred, namely :—

(*a*) the period fixed under section 6 for preferring claims has elapsed, and all claims (if any) made within such period have been disposed of by the Forest-setttlement-officer ; and

(*b*) if such claims have been made, the period fixed by sections 10 and 14 for appealing from the orders passed on such claims has elapsed, and all appeals (if any) presented within such period have been disposed of by the appellate authority ; and

(*c*) all proceedings prescribed by section 10 have been taken, and all lands (if any) to be included in the proposed forest, which the Forest-settlement-officer has, under section 10, elected to acquire under the Land Acquisition Act, 1870,[3] have become vested in the Government under section 16 of that Act ;

Central Act X of 1870.

the [1][Government] may publish a notification[4] in the [2][Official Gazette], specifying the limits of the forest which it is intended to reserve, and declaring the same to be reserved from a date to be fixed by such notification.

The Forest-settlement-officer shall, before the date so fixed, published such notification in the manner prescribed for the proclamation under section 6.

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[1] The words "Povincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

[2] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

[3] *See* now the Land Acquisition Act, 1894 (Central Act I of 1894).

[4] *See* the List of Local Rules and Orders.

From the date so fixed, such forest shall be deemed to be a reserved forest.

Extinction of rights not claimed.

17. Rights in respect of which no claim has been preferred under section 6 shall thereupon be extinguished, unless, before the publication of such notification, the person claiming them has satisfied the Forest-settlement-officer that he had sufficient cause for not preferring such claim within the period fixed under section 6; in which case the Forest-settlement-officer shall proceed to dispose of the claim in the manner hereinbefore provided.

Power of the Government to redefine the limits of reserved forests in certain cases.

[1] [**17-A.** (1) Where the description of the limits of any reserved forest notified under section 16 is defective or is not clear in reference to existing facts, the [2][Government] may, by notification in the [3][Official Gazette], declare their intention to redefine the limits of such reserved forest so as to remove the defect or to make the description clear in reference to existing facts. Such notification shall specify as nearly as possible the corrections which it is proposed to effect to the limits of the reserved forest.

(2) On the issue of a notification under sub-section (1), the District-forest-officer shall publish in the Official Gazette of the district concerned and in such other manner as may be prescribed by rules made in that behalf a notice—

(*a*) specifying the corrections proposed by the notification under sub-section (1); and

(*b*) stating that any objections which may be made in person or in writing to the District-forest-officer, within a period of thirty days from the date of publication of the notice, will be considered by him.

(3) After the expiry of the period referred to in clause (*b*) of sub-section (2) and after considering the objections, if any, received by him, the District-forest-officer shall submit to the [2][Government] the record of the proceedings held by him together with a report thereon.

(4) The [2][Government] may, after considering the report of the District-forest-officer, by notification in the [3][Official Gazette] redefine the limits of the reserved forest, as proposed by the notification under sub-section (1), with such modifications as they think fit or without any modifications.

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[1] This section was inserted by section 3 of the Madras Forest (Amendment) Act, 1936 (Madras Act VII of 1936).

[2] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

[3] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

(5) Save as provided in this section, it shall not be necessary to follow the procedure laid down in sections 4 to 16 before issuing a notification under sub-section (4).]

No right acquired over reserved forest except as here provided.

18. No right of any description shall be acquired in or over a reserved forest, except under a grant or contract in writing made by or on behalf of the Government, or by or on behalf of some person in whom such right, or the power to create such right, was vested when the notification under section 16 was published or by succession from such person :

Provided that no patta shall without the previous sanction of the [1] [Board of Revenue] be granted on behalf of Government for any land included within a reserved forest, and every patta granted without such sanction shall be null and void.

Rights continued under section 12 not to be alienated without sanction.

19. Notwithstanding anything herein contained, no right continued under section 12 shall be alienated by way of grant, sale, lease, mortgage or otherwise without the sanction of the Government : Provided that, when any such right is continued for the beneficial enjoyment of any land or buildings, it may be sold or otherwise alienated with such land or buildings without such sanction. Any alienation of such right in contravention of this section shall be null and void.

No forest-produce obtained in exercise of any right continued under section 12 shall be sold or bartered except to the extent defined by the order recorded under sections 11 and 12.

Any person selling or bartering any forest-produce in contravention of this section shall be punished with fine which may extend to two hundred rupees.

Power to stop ways and water-courses in reserved forest.

20. The District-forest-officer may, from time to time, with the previous sanction of the Government, stop any public or private way or water-course in a reserved forest : Provided that a reasonably convenient substitute for the way or water-course so stopped already exists, or has been provided or constructed in lieu thereof.

Penalties for trespass or damage in reserved forests, and acts prohibited in such forests.

21. Any person who—

(*a*) makes any fresh clearing prohibited by section 7 ; or

(*b*) sets fire to a reserved forest, or kindles, or leaves burning, any fire in such manner as to endanger the same ;

or who, in a reserved forest,—

(*c*) kindles, keeps or carries any fire except at such season and in such manner as the District-forest-officer may from time to time notify ;

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[1] These words were substituted for the words "Governor in Council" by the Madras Decentralization Act, 1914 (Mad. Act VIII of 1914).

(*d*) trespasses, or pastures cattle, or permits cattle to trespass ;

(*e*) fells, girdles, marks, lops, taps, uproots or burns any tree, or strips off the bark or leaves from, or otherwise damages, the same ;

(*f*) quarries stone, burns lime or charcoal, or collects, subject to any manufacturing process, or removes any forest-produce ;

(*g*) clears, cultivates or breaks up any land for cultivation or any other purpose ; or

(*h*) in contravention of any rules made by the [1] [Government] hunts, shoots, fishes, poisons water or sets traps or snares ;

(*i*) damages, alters or removes any wall, ditch, embankment, fence, hedge or railing ;

shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both in addition to such compensation for damage done to the forest as the convicting Court may direct to be paid.

Acts exempted from prohibition contained in this section.

Nothing in this section shall be deemed to prohibit—

(*a*) any act done in accordance with any rule made by the Government or with the permission in writing of the District-forest-officer, or of an officer authorized by him to grant such permission ; or

(*b*) the exercise of any right continued under section 12 or created by grant of contract in the manner described in section 18 :

Provided that this section shall not be held to interfere with such working of the forest as may be ordered by the District-forest-officer.

Suspension of rights in reserved forests.

22. Whenever fire is caused wilfully or negligently in a reserved forest, the Government may (notwithstanding that a penalty has been inflicted under section 21) direct that in such forest or any portion thereof the exercise of all rights of pasture or to forest-produce shall be suspended for such period as it thinks fit.

Persons bound to assist Forest-officer and Police-officer.

23. Every person who exercises any right in a reserved forest, or who is permitted to take any forest-produce from, or to cut and remove timber or to pasture cattle in, such forest ; and

every person who is employed by any such person in such forest ; and

[1] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " Provincial " was omitted by the Adaptation (Amendment) Order of 1950.

every village-officer or person in any village contiguous to such forest who is employed by the Government ;

shall be bound to furnish without unnecessary delay to the nearest Forest-officer or Police-station-house-officer any information he may possess respecting the occurrence of a fire in or near such forest or the commission of, or intention to commit, any forest offence ; and shall assist any Forest-officer or Police-officer demanding his aid—

(*a*) in extinguishing any fire occurring in such forest ;

(*b*) in preventing any fire which may occur in the vicinity of such forest from spreading to such forest ;

(*c*) in preventing the commission in such forest of any forest-offence ; and,

(*d*) when there is reason to believe that any such offence has been committed in such forest, in discovering and arresting the offender.

Power to declare forest no longer reserved.

24. The Government may [1] [* * *] by notification [2] in the [3][Official Gazette] direct that, from a date to be fixed by such notification, any forest or any portion thereof reserved under this Act shall cease to be reserved.

From the date so fixed such forest or portion shall cease to be reserved ; but the rights (if any) which have been extinguished therein shall not revive in consequence of such cessation.

Forests reserved previous to the passing of this Act.

25. The Government may, by notification [4] in the [3][Official Gazette], declare any forest which has been reserved by order of the Government previous to the day on which this Act comes into force to be a reserved forest under this Act :

Provided that if the rights of the Government or of private persons to or over any land or forest-produce in such forest have not been inquired into, settled and recorded in a manner which the Government thinks sufficient, the same shall be inquired into, settled and recorded in the manner provided by this Act for reserved forests, before the date on which the notification declaring the forest to be reserved takes effect.

All questions decided, orders issued and records prepared in connection with the reservation of such forest shall be deemed to have been decided, issued and prepared hereunder, and the provisions of this Act relating to reserved forests shall apply to such forest,

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[1] The words " subject to the control of the Governor General in Council " were omitted by the Adaptation Order of 1937.

[2] Several notifications under this power have been issued, but they are so numerous and liable to such frequent change that it is unnecessary to note them here.

[3] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

[4] Notifications under this section are too numerous and subject to so much alteration as to make reference here to them unnecessary.

(Chapter III.—Protection of land at the disposal of Government not included in Reserved Forests.)

CHAPTER III.

PROTECTION OF LAND AT THE DISPOSAL OF GOVERNMENT NOT INCLUDED IN RESERVED FORESTS.

Power to make rules.

26. Subject to all rights now legally vested in individuals and communities, the [1][Government] may for any district or portion of a district make rules[2] to regulate the use of the pasturage or of the natural produce of land at the disposal of Government and not included in a reserved forest. Such rules may, with respect to such land,—

(*a*) regulate or prohibit the clearing of breaking up of land for cultivation or other purposes ;

(*b*) regulate or prohibit the kindling of fires, and prescribe the precautions to be taken to prevent the spreading of fires ;

(*c*) regulate or prohibit the cutting, sawing, conversion and removal of trees and timber, and the collection and removal of natural produce ;

(*d*) regulate or prohibit the quarrying of stone, the boiling of catechu, or the burning of lime or charcoal ;

(*e*) regulate or prohibit the cutting of grass and pasturing of cattle, and regulate the payments (if any) to be made for such cutting or pasturing ;

[3](*f*) regulate or prohibit hunting, shooting, fishing, poisoning water and setting traps or snares ;

(*g*) regulate the sale or free grant of timber or other natural produce ; and

(*h*) prescribe the fees, royalties or other payments for such timber or other natural produce, and the manner in which such fees, royalties or other payments shall be levied.

Penalties for acts in contravention of rules.

The [1][Government] may by such rules prescribe, as penalties for the infringement thereof, imprisonment for a term which may extend to one month, or fine which may extend to two hundred rupees, or both :

Provided that the [1][Government] may exempt any person or class of persons from the operation of all or any of such rules.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

[2] For rules, *see* the List of Local Rules and Orders.

[3] For rules under clause (*f*) *see ibid.*

(Chapter III.—Protection of land at the disposal of Government not included in Reserved Forests. Chapter IV.—Of the control over forests and lands not at the disposal of Government or in which Government has a limited interest.)

Power to close land against pasture.

27. Whenever fire is caused wilfully or negligently in any land to which all or any of the rules made under section 26 have been extended, the Government may, notwithstanding that a penalty has been inflicted under that section, direct that such land be closed against pasture for such period as it thinks fit :

Provided that an area sufficient in extent and in a locality reasonably convenient is left open for the use of persons having rights of pasture in such land.

Penalties.

28. Whoever pastures cattle or permits cattle to trespass in land closed under section 27 shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to two hundred rupees, or with both.

CHAPTER IV.

OF THE CONTROL OVER FORESTS AND LANDS NOT AT THE DISPOSAL OF GOVERNMENT OR IN WHICH GOVERNMENT HAS A LIMITED INTEREST.

On certain lands, the breaking up or clearing for cultivation, etc., may be regulated or prohibited.

29. The [1] [Government] may from time to time, by notification in the [2] [Official Gazette] and in the official Gazettes of the districts affected thereby, regulate or prohibit in any forest or waste-land not at the disposal of Government—

(*a*) the breaking up or clearing of land for cultivation ;

(*b*) the pasturing of cattle ;

(*c*) the firing or clearing of the vegetation ;

when such regulation or prohibition appears to be necessary for any of the following purposes :—

first, for protection against storms, winds, rolling stones, floods and avalanches ;

second, for the preservation of the soil on the ridges and slopes, and in the valleys, of hilly tracts, the prevention of land slips and of the formation of ravines and torrents and the protection of land against erosion, or the deposit thereon of sand, stones or gravel ;

third, for the maintenance of a water-supply in springs, rivers and tanks ;

fourth, for the protection of roads, bridges, railways and other lines of communication ;

[1] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " Provincial " was omitted by the Adaptation (Amendment) Order of 1950.

[2] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

(Chapter IV.—Of the control over forests and lands not at the disposal of Government or in which Government has a limited interest.)

fifth, for the preservation of the public health ;
and may alter or cancel such notification.

The Government may, for any such purpose, construct at their own expense, in or upon any such forest or land, such works as they think fit :

Provided that no such notification shall be made or work begun until after the issue of a notice to the owner of such forest or land calling upon him to show cause, within a reasonable period to be specified in such notice, why such notification should not be made or work constructed, and until his objections (if any) and any evidence he may produce in support of the same have been heard by an officer duly appointed in that behalf, and have been considered by the Government.

In case of refusal by owner, Government may take such lands on lease or acquire them.

30. Whenever the owner of such forest or land may decline to comply with the regulations or directions contained in the said notification, it shall be incumbent upon the Government, if they resolve to assume control of the said forest or land, to take the said forest or land, or so much of it as they may see fit, on lease from the owner for such term as they may deem it necessary to retain the same under control, and the owner shall be bound either to conclude such lease with the Government or to require that such forest or land shall be acquired for public purposes, and in the latter event the Government shall acquire such forest or land accordingly. If such lease is agreed upon, the amount of annual rent to be reserved, and all other questions arising between the owner or persons claiming to be owners and the Government, shall, in case of dispute, be determined in accordance, so far as may be, with the provisions of the Land Acquisition Act, 1870.[1]

Central Act X of 1870.

Acquisition of forest or land under the Land Acquisition Act.

31. In any case under this Chapter in which the Government consider that, in lieu of taking the forest or land under its control, the same should be acquired for public purposes, the Government may proceed to acquire it in the manner prescribed by the Land Acquisition Act, 1870.[1]

Central Act X of 1870.

Protection of forests at request of owners.

32. The owner of any land or, if there be more than one owner thereof, the owners of shares therein, whether divided or not, amounting in the aggregate to at least two-thirds thereof, may, with a view to the formation or conservation of forests thereupon represent in writing to the Collector their desire—

(*a*) that such land be managed on their behalf by the District Forest Officer, as a reserved forest, on such terms as may be agreed upon ; or

[1] *See* now the Land Acquisition Act, 1894 (Central Act I of 1894).

(Chapter IV.—Of the control over forests and lands not at the disposal of Government or in which Government has a limited interest.)

(*b*) that such land be managed subject to the control of the Collector, by a person appointed, by themselves and approved by the Collector ; or

(*c*) that all or any of the provisions of this Act or rules made thereunder be applied to such land.

The Government may in any such case, by notification in the [1][Official Gazette], apply to such land such provisions of this Act as it thinks suitable to the circumstances thereof and as may be desired by the applicants.

Any such notification may be altered or cancelled by a like notification.

Management of forests, the joint property of Government and other persons.

33. If the Government and any person or persons are jointly interested in any forest or waste-land, or in the whole or any part of the produce thereof, the Government may either—

(*a*) undertake the management of such forest, waste-land or produce, accounting to such person for his interest in the same ; or

(*b*) issue such regulations for the management of the forest, waste-land or produce by the persons so jointly interested as it deems necessary for the management thereof and the interests of all parties therein.

When the Government undertakes, under clause (*a*) of this section, the management of any forest, waste-land or produce, it may, by notification in the [1][Official Gazette] and in the official Gazette of the district, declare that any of the provisions contained in Chapters II and III of this Act shall apply to such forest, waste-land or produce, and thereupon such provisions shall apply accordingly.

Persons employed to carry out the Act to be deemed Forest-officers.

34. All persons employed under sections 30, 32 and 33 to carry out the provisions of this Act shall be deemed to be Forest-officers within the meaning of this Act.

[2][The [3](Government) shall also have power to appoint any person to discharge any function of a Forest-officer under any of the provisions of this Act which have been extended to any land or to any forest or waste-land or produce thereof by a notification under section 32 or section 33 or under any rule made in pursuance of any provision so extended.]

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[1] These words were substituted for the words "*Fort St. George Gazette*" by the Adaptation Order of 1937.

[2] This paragraph was added by section 4 of the Madras Forest (Amendment) Act, 1936 (Madras Act VII of 1936).

[3] The words "Provincial Government" were substituted for the words "Local Government" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

CHAPTER V.

CONTROL OF TIMBER IN TRANSIT.

Power to make rules to regulate transit of timber.

35. The [1][Government] may make rules[2] to regulate the transit of all timber or of certain classes of timber within local limits as may appear to be necessary. Such rules may (among other matters)—

(*a*) prescribe the routes by which alone timber may be imported into and exported from the Presidency of Madras ;

(*b*) prohibit the import and export or moving within defined local limits of timber without a pass from the land-holder from whose lands it was brought, or from an officer duly authorized to issue the same or otherwise than in accordance with the conditions of such pass ;

(*c*) prescribe the form of such passes and provide for their issue, production and return ;

(*d*) provide for the stoppage, reporting, examination and marking of timber in transit within defined local limits or at stations established as hereinafter provided ;

(*e*) establish, or authorize the Collector to establish stations to which such timber shall be taken by those in charge of it for examination or marking; and the conditions under which such timber shall be brought to, stored at, and removed from such station ;

(*f*) provide for the management and control of such stations, and for regulating the appointment and duties of persons employed thereat ;

(*g*) authorize the transport of timber, the property of Government, across any land, and provide for the payment of compensation for any damage done by the transport of such timber ;

(*h*) prohibit the closing up or obstructing of the channel or banks of any river used for the transit of timber or other forest-produce and the throwing of grass, brushwood, branches and leaves into any such river, or any act which may cause such river to be closed or obstructed ;

(*i*) provide for the prevention and removal of any obstruction of the channel or banks of any such river, and for recovering the cost of such prevention or removal from the person, or by the sale of any timber, causing such obstruction ;

[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

[2] For rules under this section and section 36, *see* the List of Local Rules and Orders.

(Chapter V.—Control of Timber in Transit.
Chapter VI.—The Forest Court.)

(*j*) provide for the protection of bridges, locks or other public works, by regulating the floating of timber, and the storing of timber on river banks, and by authorizing the seizure of timber floated or stored in contravention of such rules or by which any damage to such works may have been caused, and the detention and disposal of such timber until compensation has been made for the damage done ;

(*k*) regulate the use of property-marks for timber and the registration of such marks ; declare the circumstances in which the registration of any property-marks may be refused or cancelled ; prescribe the time for which such registration shall hold good ; limit the number of such marks that may be registered by any one person ; and provide for the levy of fees for such registration.

Power of Central Government as to movements of timber across frontiers.

[1] [**35-A.** Notwithstanding anything in section 35, the Central Government may make rules to prescribe the route by which alone timber may be imported and exported across any customs frontier as defined by the Central Government and any rules made under section 35 shall have effect subject to the rules made under this section.]

Penalties for breach of rules made under sections 35 and 35-A.

36. The [2] [Central or, as the case may be, State Government] may, by such rules,[3] prescribe as penalties for the infringement thereof imprisonment for a term which may extend to one month, or fine which may extend to two hundred rupees, or both.

In cases where the offence is committed after sunset and before sunrise, or after making preparation for resistance to the execution of any law or any legal process, or where the offender has been previously convicted of a like offence, the convicting Magistrate may inflict double the penalty prescribed for such offence.

CHAPTER VI.

The Forest Court.

Appointment and constitution of the Forest Court.

37. Where no revenue-officer has been appointed to hear appeals under section 14, the [4] [Government] shall, from time to time, as occasion may arise, appoint a Forest Court to

[1] This section was inserted by the Adaptation Order of 1937.

[2] The words " Central or, as the case may be , Provincial Government " were substituted for the word " Government " by the Adaptation Order of 1937 and the word " State " was substituted for " Provincial " by the Adaptation Order of 1950.

[3] For rules under this section and section 36, *see* the List of Local Rules and Orders.

[4] The words " Provincial Government " were substituted for the words "Governor in Council " by the Adaptation Order of 1937 and the word " Provincial " was omitted by the Adaptation (Amendment) Order of 1950.

hear such appeals. The Court shall consist of three members, of whom—

one shall be the Judge of the Court of any district in which any portion of the land, the rights in or over which are in dispute, is situated, or the officer presiding in the principal Civil Court of original jurisdiction of such district,

another shall be the Collector of any such district, or an officer of the Revenue department of not less than twelve years' standing,

and the third member shall be a person specially selected by the [1][Government], not holding an office of profit in the service of the Government.

The Judge appointed to be the President.

38. The Judge appointed a member as aforesaid shall be the President of the said Court, and shall make all such orders in the case as may be necessary prior to the hearing of the appeal.

The official members of the Court may be appointed by name or as holding an office.

Hearing of appeals.

39. For the hearing of appeals, the Forest Court shall fix a day and a convenient place in the neighbourhood of the land regarding which, or regarding rights over which, a dispute exists, and shall give notice thereof to the parties.

All cases before the Forest Court shall be heard and disposed of, so far as may be, in accordance with the provisions of the [2] Code of Civil Procedure :

Provided that if, on the hearing of any such case, any question of law or of usage having the force of law, or the construction of a document affecting the merits of the case, shall arise on which the Court shall entertain reasonable doubts, the Court may, either of its own motion or on the application of any of the parties, draw up a statement of the case, and submit it, with its own opinion, for the opinion of the High Court.

And it shall be the duty of the Forest Court to make such reference to the High Court if the questions involve any principle of general importance or affect the rights of a class.

Court to pass order which shall be final.

40. At the conclusion of the inquiry, and after receipt of the order of the High Court (which shall be binding upon the Forest Court) upon the reference (if any) prescribed by the preceding section, the Forest Court shall proceed to pass such order in the case as it may consider just and proper ; and the order passed by the said Court or by the majority of the members of the said Court shall be final.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

[2] *See* now Central Act V of 1908.

(Chapter VII.—Penalties and Procedure.)

CHAPTER VII.

PENALTIES AND PROCEDURE.

Seizure of property liable to confiscation.

41. When there is reason to believe that a forest offence has been committed in respect of any timber or forest produce, such timber or produce, together with all tools, ropes, chains, boats, [1] [vehicles] and cattle used in committing any such offence, may be seized by any Forest-officer or Police-officer.

Report to Magistrate.

Every officer seizing any property under this section shall place on such property, or the receptacle (if any) in which it is contained, a mark indicating that the same has been so seized, and shall, as soon as may be, make a report of such seizure to the Magistrate having jurisdiction to try the offence on account of which the seizure has been made :

Provided that, when the timber or forest-produce with respect to which such offence is believed to have been committed is the property of [2] [the Central or State Government] and the offender is unknown, it shall be sufficient if the officer makes, as soon as may be, a report of the circumstances to his official superior.

Procedure thereupon.

42. Upon the receipt of any such report the Magistrate shall take such measures as may be necessary for the trial of the accused and the disposal of the property according to law.

Timber, forest-produce, tools, etc., when liable to confiscation.

43. When any person is convicted of a forest-offence, all timber or forest-produce in respect of which such offence has been committed, and all tools, ropes, chains, boats, [1] [vehicles] and cattle used in committing such offence, shall be liable, by order of the convicting Magistrate, to confiscation.

Such confiscation may be in addition to any other punishment prescribed for such offence.

Disposal, on conclusion of trial for forest-offence, of produce in respect of which it was committed.

44. When the trial of any forest-offence is concluded, any timber or forest-produce in respect of which such offence has been committed shall, if it is the property of [2] [the Central or State Government] or has been confiscated, be taken possession of by or under the authority of the District-Forest-Officer ; and in any other case may be disposed of in such manner as the Court may order.

Procedure when offender is not known or cannot be found.

45. When the offender is not known or cannot be found, the Magistrate, if he is of opinion that an offence has been committed, may, on application in this behalf, order the

[1] This word was substituted for the word " carts " by section 5 of the Madras Forest (Amendment) Act, 1936 (Madras Act VII of 1936).

[2] The words " the Crown " were substituted for the word " Government " by the Adaptation Order of 1937 and the words " Central or State Government " were substituted for " Crown " by the Adaptation (Amendment) Order of 1950.

property in respect of which the offence has been committed to be confiscated and taken possession of by or under the authority of the District-Forest-Officer, or to be made over to any person whom the Magistrate considers to be entitled to the same :

Provided that no such order shall be made until the expiration of one month from the date of seizing such property, or without hearing the person (if any) claiming any right thereto, and the evidence (if any) which he may produce in support of his claim.

The Magistrate shall cause a notice of any application under this section to be served upon any person whom he has reason to believe is interested in the property seized, or shall publish such notice in any way which he thinks fit.

Procedure in regard to perishable property seized under section 41.

[1] [46. (1) Notwithstanding anything hereinbefore contained—

(*a*) the Magistrate may direct the sale of any property seized under section 41 which is subject to speedy and natural decay ; and

(*b*) if, in the opinion of the officer seizing such property, it is not possible to obtain the orders of the Magistrate under clause (*a*) in time, such officer may sell the property himself, remit the sale-proceeds into the nearest Government treasury, and make a report of such seizure, sale and remittance to the Magistrate and thereupon the Magistrate shall take such measures as may be necessary for the trial of the accused.

(2) The Magistrate may deal with the proceeds of the sale of any property held under clause (*a*) or clause (*b*) of sub-section (1) in the same manner as he might have dealt with the property if it had not been sold.]

Appeal from orders under section 43, 44 or 45.

47. Any person claiming to be interested in property seized under section 41 may, within one month from the date of any order passed under section 43, 44 or 45, present an appeal therefrom which may be disposed of in the manner provided by section 419, Code of Criminal Procedure. [2]

Property when to vest in the State.

48. When an order for the confiscation of any property has been passed under section 43 or 45, and the period limited by section 47 for presenting an appeal from such order has elapsed, and no such appeal has been presented, or when on such an appeal being presented the Appellate Court confirms such order in respect of the whole or a portion of such property

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[1] This section was substituted for the original s. 46 by s. 6 of the Madras Forest (Amendment) Act, 1936 (Madras Act VII of 1936).

[2] *See* now Central Act V of 1898, s. 520.

or portion, as the case may be, shall vest in the [1][State] free from all incumbrances.

Saving of power to release property seized.

49. Nothing hereinbefore contained shall be deemed to prevent the District-Forest-Officer from directing at any time the immediate release of any property seized under section 41 and the withdrawal of any charge made in respect of such property.

Penalty for counterfeiting or defacing marks on trees and timber, and for altering boundary-marks.

50. Whoever, with intent to cause damage or injury to the public or to any person, or to cause wrongful gain as defined in the Indian Penal Code—

(*a*) knowingly counterfeits upon any timber or standing tree a mark used by Forest-officers to indicate that such timber or tree is the property of the [2][Central or State Government] or of some person, or that it may lawfully be cut or removed by some person ; or

(*b*) unlawfully affixes to any timber or standing tree a mark used by Forest-officers ; or

(*c*) alters, defaces or obliterates any such mark placed on any timber or standing tree by or under the authority of a Forest-officer ; or

(*d*) alters, moves, destroys or defaces any boundary-mark of any forest or any land to which any provisions of this Act apply ;

shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one thousand rupees, or with both.

Power to arrest without warrant.

51. Any Forest-officer or Police-officer may, without orders from a Magistrate and without a warrant, arrest any person reasonably suspected of having been concerned in any forest-offence punishable with imprisonment for one month or upwards if such person refuses to give his name and residence, or gives a name or residence which there is reason to believe to be false, or if there is reason to believe he will abscond.

[3][Any person arrested under this section shall be informed, as soon as may be, of the grounds for such arrest and shall be produced before the nearest Magistrate within a period of twenty-four hours of such arrest excluding the time necessary for the journey from the place of arrest to the Court of the Magistrate ; and no such person shall be detained in custody beyond the said period without the authority of a Magistrate.]

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[1] This word was substituted by the Adaptation (Amendment) Order of 1950 for the words " Crown for the purposes of the Province " as substituted for the word " Government " by the Adaptation Order of 1937.

[2] The word " Crown " was substituted for the word " Government " by the Adaptation Order of 1937 and the words " Central or State Government " were substituted for " Crown " by the Adaptation (Amendment) Order of 1950.

[3] This paragraph was substituted for the original paragraph by the Adaptation (Amendment) Order of 1950.

(*Chapter VII.—Penalties and Procedure. Chapter VIII.—Cattle-trespass.*)

Punishment for wrongful seizure or arrest.

52. Any Forest-officer or Police-officer who vexatiously and unnecessarily seizes any property on pretence of seizing property liable to confiscation under this Act, or who vexatiously and unnecessarily arrests any person, shall be punished with imprisonment for a term which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Power to prevent commission of offence.

53. Every Forest-officer and Police-officer shall prevent, and may interfere for the purpose of preventing, the commission of any forest-offence.

Operation of other laws not barred.

54. Nothing in this Act shall be deemed to prevent any person from being prosecuted under any other law for any act or omission which constitutes a forest-offence, or from being liable under such other law to any higher punishment or penalty than that provided by this Act or the rules made thereunder : Provided that no person shall be punished twice for the same offence.

Power to compound offences.

55. Any Forest-officer specially empowered in this behalf may accept, from any person reasonably suspected of having committed any forest-offence other than an offence under section 50 or section 52, a sum of money by way of compensation for the offence which may have been committed, and, where any property has been seized as liable to confiscation, may release the same on payment of the value thereof as estimated by such officer.

On the payment of such sum of money, or such value, or both, as the case may be, to such officer, the accused person, if in custody, shall be discharged, the property seized shall be released, and no further proceedings shall be taken against such person or property.

Presumption that timber or forest-produce belongs to the Central or State Government.

56. When, in any proceedings taken under this Act, or in consequence of anything done under this Act, a question arises as to whether any forest-produce is the property of the [1] [Central or State Government], such produce shall be presumed to be the property of the [1] [Central or State Government] until the contrary is proved.

CHAPTER VIII.

CATTLE-TRESPASS.

Cattle-trespass Act, 1871, to apply.

57. Cattle-trespassing in a reserved forest or on lands on which the grazing of cattle has been prohibited by rules made

[1] The word " Crown " was substituted for the word " Government " by the Adaptation Order of 1937 and the words " Central or State Government " were substituted for " Crown " by the Adaptation (Amendment) Order of 1950.

under section 26, or which has been closed under section 27, shall be deemed to be cattle doing damage to a public plantation within the meaning of the eleventh section of the Cattle-trespass Act, 1871, and may be seized and impounded as such by any Forest-officer or Police-officer.

Central Act I of 1871.

58. The [1][Government] may, by [2] notification in the [3][Official Gazette], direct that, in lieu of the fines fixed by the twelfth section of the Act last aforesaid, there shall be levied, in all or any of the areas to which this Act applies, for each head of cattle impounded under section 57 of this Act, such fines as [4][they think] fit, but not exceeding the following (that is to say) :—

Power to alter fines fixed by that Act.

	RS.	A.	P.
For each elephant	10	0	0
For each buffallo or camel	2	0	0
For each horse, mare, gelding, pony, colt, filly, mule, bull, bullock, cow, calf or heifer ..	1	0	0
For each ass, pig, ram, ewe, sheep, lamb, goat or kid	0	8	0

CHAPTER IX.

FOREST-OFFICERS.

59. The [1][Government] may invest any Forest-officer by name, or as holding an office, with the following powers (that is to say) :—

Government may invest Forest-officers with certain powers.

(*a*) the powers of a settlement-officer under the Madras Boundaries Act, No. XXVIII of 1860 [5];

(*b*) the powers of a Civil Court to compel the attendance of witnesses and the production of documents ;

(*c*) power to hold inquiries into forest-offences, and in the course of such inquiries to receive and record evidence, and to issue search-warrants which may be executed in the manner provided by the Code of Criminal Procedure [6];

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[1] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " Provincial " was omitted by the Adaptation (Amendment) Order of 1950.

[2] For notifications under this section, *see* the List of Local Rules and Orders.

[3] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

[4] These words were substituted for the words " he thinks " by *ibid.*

[5] The Act was repealed by Madras Act IV of 1897—*See* now the Madras Survey and Boundaries Act, 1923 (Madras Act VIII of 1923).

[6] *See* now Central Act V of 1898.

(Chapter IX.—Forest officers. Chapter X.—Miscellaneous.)

(*d*) power to accept compensation for forest-offences under section 55 and may withdraw any powers so conferred.

Any evidence recorded under clause (*c*) of this section shall be admissible in any subsequent trial before a Magistrate of the alleged offender: Provided that it has been taken in the presence of the accused person, and recorded in the manner provided by section 333, section 334 or section 335 of the Code of Criminal Procedure.[1]

Forest-officers deemed public servants.

60. All Forest-officers shall be deemed to be public servants within the meaning of the Indian Penal Code. Central Act XLV of 1860.

Indemnity for acts done in good faith.

61. No suit or criminal prosecution shall lie against any public servant for anything done or omitted in good faith under this Act.

[2][**62.** * * * *]

CHAPTER X.

MISCELLANEOUS.

Additional powers to make rules.

63. The [3] [Government] may make rules[4] consistent with this Act—

(*a*) to declare by what Forest-officer or class of Forest-officers the powers or duties conferred or imposed by or under this Act on a Forest-officer shall be exercised or performed;

(*b*) to regulate the procedure of Forest-settlement-officers;

(*c*) to regulate the rewards to be paid to officers and informers from the proceeds of fines and confiscations under this Act, or from the public treasury;

(*d*) for the preservation, reproduction and disposal of trees and timber belonging to [5] [the Central or State Government], but grown on lands belonging to or in the occupation of private persons; and

(*e*) generally to carry out the provisions of this Act.

Rules when to have force of law.

64. All rules made by the [3] [Government] under this Act shall be published in the [6] [Official Gazette] and in the official

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[1] *See* now Central Act V of 1898, ss. 355, 356 and 357.

[2] This section was omitted by the Adaptation Order of 1937.

[3] The words " Provincial Government " were substituted for the words " Governor in Council " by the Adaptation Order of 1937 and the word " Provincial " was omitted by the Adaptation (Amendment) Order of 1950.

[4] For rules under this section, *see* the List of Local Rules and Orders.

[5] The words " the Crown " were substituted for the word " Government " by the Adaptation Order of 1937 and the words " Central or State Government " were substituted for " Crown " by the Adaptation (Amendment) Order of 1950.

[6] These words were substituted for the words " *Fort St. George Gazette* " by the Adaptation Order of 1937.

Gazette of the districts affected thereby, and shall thereupon have the force of law. Such rules may be cancelled or varied by like notification.

Powers of Government exercisable from time to time.

All powers conferred by this Act on the Government may be exercised from time to time as occasion requires.

Government may delegate powers.

65. It shall be lawful for the [1][Government] to delegate any of the powers conferred by sections 19, 20, 22, 27, 58 and 62 to the Board of Revenue, or to such other controlling Revenue-authority as the Government may from time to time appoint.

Recovery of money due to Government.

66. All money, other than fines, payable to the Government under this Act, or any rules made thereunder, or on account of timber or forest produce or of expenses incurred in the execution of this Act in respect of timber or forest produce [2][or under any contract relating to timber or forest produce, including any sum recoverable thereunder for the breach thereof or in consequence of its cancellation or under the terms of a notice relating to the sale of timber or forest produce by auction or by invitation of tenders, issued by or under the authority of a District-Forest-Officer] and all compensation awarded to Government under this Act, may, if not paid when due, be recovered, under the law for the time being in force, as if it were an arrear of land revenue.

Lien on forest-produce for such money.

67. When any such money is payable for, or in respect of any forest produce, the amount thereof shall be deemed to be a first charge on such produce; and, if such amount be not paid when due, such produce may be taken possession of by or under the authority of the District-Forest-Officer, and may be retained until such amount has been paid, or such Forest-officer may sell such produce by public auction, and the proceeds of the sale shall be applied first in discharging such amount.

Power to sell such produce.

The surplus (if any), if not claimed within two months from the date of the sale by the person entitled thereto, shall be forfeited to Government.

Land required under this Act to be deemed to be needed for a public purpose under the Land Acquisition Act.

68. Whenever it appears to the [1][Government] that any land is required for any of the purposes of this Act, such land shall be deemed to be needed for a public purpose within the meaning of the Land Acquisition Act, 1870, section 4. [3]

Central Act X of 1870.

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[1] The words "Provincial Government" were substituted for the words "Governor in Council" by the Adaptation Order of 1937 and the word "Provincial" was omitted by the Adaptation (Amendment) Order of 1950.

[2] These words were inserted by section 2 of the Madras Forest (Amendment) Act, 1933 (Madras Act I of 1934).

[3] *See* now the Land Acquisition Act, 1894 (Central Act I of 1894), s. 6.